THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.4822 of 2007

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Date: 09.03.2007

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Between:
A.Chakravarthi.

....Petitioner

and

The Assistant Divisional Engineer and another.

....Respondents

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O R D E R:

The petitioner is extended the power supply under Category-III. The service connection was inspected on 23.08.2006. It was found that the petitioner had directly drawn the power from the transformer. Thereupon, a notice of provisional assessment was issued on 30.08.2006. It was pointed out that the value of the power pilfered by the petitioner amounts to Rs.1,03,459/-.

The petitioner was given an opportunity to pay half of the said amount, if he wants continuance of power supply. The petitioner states that he paid that amount and the power supply is being continued. It is also stated that an explanation was submitted to the notice of provisional assessment. His grievance is that even though no order of final assessment was passed, the respondents are demanding the balance of the amount covered by the notice of provisional assessment.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

A notice of provisional assessment is a prerequisite to the order of final assessment. The authorities are under obligation to consider the explanation submitted by the consumer and pass order of final assessment. The actual obligation of the consumer would arise only after such an order is passed. There cannot be any justification for the respondents to demand the balance of the

amount covered by the notice of provisional assessment, without there being an order of final assessment.

Hence, the writ petition is disposed of, directing that the respondents shall not demand or press for payment of balance of the amount covered by the notice of provisional assessment till an order of final assessment is passed, in accordance with law. There shall be no order as to costs.

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09.03.2007

Note: Issue cc in three days.
(B/o)
kdl